

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: WALNUT VILLAGE SUBDIVISION

Case Number: PLD2004-00059; SEP2004-00102; EVR2004-00050, ARC2004-00048

Location: 7505 NE 58th Street

Request: The applicant is proposing to subdivide approximately 2.94 acres zoned R-18 into 37 single-family residential lots.

Applicant: Gary Sanders
Primelan Properties
232 SW Richardson Street
Portland, OR 97201
(503) 452-8133, E-mail: Garys196@comcast.net

Contact Person: LDC Design Group
Attn.: Neil Fernando, P. E., or Danelle Isenhardt
20085 NW Tanasbourne Drive
Hillsboro OR 97124
(503) 858-4242
E-mail: Fernandon@ldcdesign.com; Isenhardt@ldcdesign.com

Property Owner: Melvin Elgin
7416 NE 58th Street
Vancouver, WA 98662

RECOMMENDATION

Approved Subject to the Conditions of Approval

Team Leader's Initials: _____ **Date Issued:** September 22, 2004

Public Hearing Date: October 7, 2004

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Michael Uduk	4385	Michael.uduk@clark.wa.gov
Engineer (Trans. and Stormwater):	Paul Knox	910	Paul.knox@clark.wa.gov
Engineer (Trans. Concurrency):	Shelley Oylear	4354	Shelley.oylear@clark.wa.gov
Team Leader:	Krys Ochia	4834	Krys.ochia@clark.wa.gov
Engineer Supervisor: (Trans. & Stormwater):	Richard Drinkwater, P.E.	4492	Richard.Drinkwater@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency):	Steve Schulte P. E.	4017	steve.schulte@clark.wa.gov

Comp Plan Designation: Urban Medium Density Residential (UM)

Parcel Number(s): Tax Lots 2/31 (104990) in the NW of Section 8 Township 2 North, Range 2 East of the Willamette Meridian.

Applicable Laws:

Clark County Code Chapter 40.350 (Transportation), 40.350.020 (Concurrency), 40.380 (Storm Water Drainage and Erosion Control), 15.12 (Fire Code), 40.570.080 (SEPA), 40.570.080 (C) (3) (k) (Historic & Cultural Preservation), 40.540.040 (Land Division Ordinance), 40.220.020 (Residential District, R-18), 40.610 (Impact Fees), 40.370.010 (D) (Sewer Connection), 40.370.020 (D) (Water Connection), 40.500 (Process), RCW 58.17 (State Land Division Laws)

Neighborhood Association/Contact:

No Mapping; but a courtesy notice has been sent to:

Art Stubbs, Vice Chair

Neighborhood Advisory Committee of Clark County (NACCC)

6804 NE 86th Court

Vancouver, WA 98662

Time Limits:

The application was submitted and determined to be counter complete on June 21, 2004. The application was determined to be fully complete on July 28, 2004 (see Exhibit No. 9). The application should have been determined to be fully complete on June 12, 2004, but the applicant was asked to submit additional information thereby extending the deadline by 20 days (see Exhibit No. 8). Therefore, the County Code requirement for issuing a decision within 92 days lapses on October 28, 2004. The State requirement for issuing a decision within 120 calendar days, lapses on November 25, 2004.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on May 27, 2004. The pre-application was not determined to be contingently vested as of May 6, 2004 (i.e., the date the fully complete pre-application was submitted).

The fully complete application was submitted on June 21, 2004 and determined to be fully complete on July 28, 2004. Given these facts the application was vested on May 6, 2004. There are no vesting issues regarding this matter.

Public Notice:

Notice of application and public hearing was mailed to the applicant and property owners within 300 feet of the site on August 10, 2004. [Note: This site is not located within the boundaries of a recognized neighborhood association but a courtesy notice was sent to the Neighborhood Advisory Committee of Clark County (NACCC)]. One sign was posted on the subject property and two within the vicinity on September 22, 2004. Notice of the SEPA Determination and public hearing was published in "The Columbian" newspaper on September 22, 2004.

Public Comments:

The county received two letters from Linda J. Poer (Exhibits 12 and 13). These letters raise issues regarding *stormwater and erosion control and traffic*, particularly, dead-ending NE 59th Street at the fence line to her property. The respondent also raised issues regarding the lack of *pedestrian side walk from NE 58th Street to NE 72nd Avenue*. Another issue raised by the respondent is the *lack of emergency vehicular turnaround*. (Emphasis added)

Staff's Response

1. Stormwater and Erosion Control: Potential stormwater and erosion control problems that may result from a development proposal are regulated by CCC 40.380 (Stormwater and Erosion Control Ordinance). Development Engineering Staff will provide an evaluation of the potential drainage impacts from this development, and will provide mitigation measures to address those impacts.

2. Traffic concerns: Traffic issues are regulated by the Clark County's Transportation Standards, CCC 40.350, to mitigate on-site traffic problems and the Concurrency Ordinance, CCC 40.350.020, to regulate potential off-site impacts and provide mitigation measures. This development will be required to evaluate its potential traffic impacts and provide potential mitigation measures. Additionally, the applicant will be required to provide a half-width frontage road dedication and improvements including sidewalks, curbs and gutters. But the road improvement will be limited to the development site and not the full length of NE 58th Street leading to NE 72nd Avenue to

the west. Engineering Services Staff will review the concerns expressed by the neighbors and analyze the potential problem and provide mitigation measures.¹ Public Works Staff and Concurrency Staff from the City of Vancouver have provided evaluations of potential development impacts to road intersections in the area including those intersections in city impacted by this development, and have provided mitigation measures (see Transportation Concurrency Finding, 2 and 7; and Conditions of Approval A-2 and B-1 and Comments from the City of Vancouver attached to the Staff Report as Attachment “A”).

3. Emergency turnaround for vehicles: This issue will be addressed by the Engineering Services Staff. The turning radii of vehicles are usually checked by the Fire Marshal to ensure that they are adequate for fire trucks and other emergency vehicles to negotiate turning movements when responding to an emergency.

Project Overview

The applicant is requesting a preliminary plat approval to subdivide approximately 2.94 acres zoned R-18 into 37 single-family detached residential lots. The residential zoning districts generally provide for a variety of medium density residential developments in the county, ranging from a minimum density of 8 units to 18 units per acre, and a maximum density of 12 units to 30 units per acre. The R-18 district permits several uses outright, conditionally and by planning director review and approval. The district also provides for a minimum density of 12 units and a maximum density of 18 units per acre.²

The following table shows the comprehensive plan designation, zoning, and current land use on the site and on the abutting properties:

Table 1: Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	Urban Medium Density Residential (UM)	Residential District R-18	The site slopes gradually southwards towards NE 58 th Street and southwards forming a knoll in the middle of the property. The site is vacant, and contains a single-family dwelling, a detached garage, and two out buildings. It has some apple trees, grass, and landscaping trees around the house.
North	Public Facility (PF)	R-12	An elementary school – school play ground and grass...
East	UM	R-18	Robins Glen II Subdivision. Fence and hedge line and landscaping vegetation.
South	UM	R-22	NE 58 th Street, site of the proposed Walnut Grove Subdivision and acreage home sites.

¹ Engineering Services Staff Report will be forwarded as an Addendum to the Staff Report.

² See Table 3 (Uses) and Finding 7 under Land Use for additional information.

West	UM	R-18	Acreage home site, mostly grass and landscaping vegetation.
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The USDA Soil Conservation Service, Soil Survey of Clark County, Washington, 1972, classifies the soils at this site as those of Hillsboro silt loam (HIA and HIB) on slopes ranging from zero to 8 percent.

Maps from Clark County's GIS Mapping System do not indicate that the site contains any wetlands, a 100 year flood plain or flood fringe, or any other regulated sensitive lands such as steep slopes, potentially unstable slopes and habitat.

The property is located within the City of Vancouver's urban growth area (UGA). It is situated in an area served by Fire Protection Districts 5, Vancouver School District, Orchards Traffic Impact Fees District, and Parks Improvement District 7. The City of Vancouver provides public water and sewer services in the area.

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1

The R-18 residential district is intended to provide land exclusively for multi-family residential development based upon consistency with the comprehensive plan and compatibility with surrounding land uses. The following factors must be considered when reviewing an application for residential development in the R-18 district:

- Properties designated as urban medium density residential on the comprehensive plan map have a maximum density of 22 housing units per acre.
- The R-18 district zones (like all other medium and high density districts) are close to major streets with adequate capacity for vehicular and pedestrian circulation, adequate public water and sewer services, close to commercial services and close to public open space and recreation opportunities. A housing development proposed in the R-18 district is reviewed to ensure compatibility with adjacent land uses, including such issues as privacy, noise, lighting and design, CCC 40.220.020 (A) (1) (a) (b).

Table 40.220.020-1 (1) (q) permits the development of single-family detached dwelling units in the R-18 district, using the review and approval (R/A) process. Staff finds that the applicant has submitted a land division request consistent with the requirements of CCC 40.540.040. Staff also finds that the proposed development is feasible, and could comply with the applicable sections of Clark County Code because of the following findings:

Uses Subject to Review and Approval (R/A), CCC 40.520.020

Approval Criteria

The applicable code section provides the approval criteria for permitted uses that require review and approval. The hearings examiner is required to make findings that the proposed use is compatible with the neighboring land uses. The examiner is further required to make findings that the use is compatible with adopted county land use policies and goals (see CCC 40.520.040 (A) & (B)).

The code also identifies six approval criteria, upon which a single-family detached dwelling could be reviewed and approved in the multi-family residential districts [per CCC 40.520.040 (C)] as follows:

Approval Criterion 1

The site of the proposed use is adequate in size and shape to accommodate the proposed use.

Finding 2

The site is approximately 2.94 acres. Table 40.220.020-1 (1) (q), is silent on the acreage necessary for single family residential development in the multi-family zoning district. Therefore, staff finds the development site is adequate and could contain the number of lots proposed. This criterion is met, and does not require a condition of approval.

Approval Criterion 2

All setbacks, spaces, walls and fences, parking, loading, landscaping, and other features required by this title are provided.

Finding 3

Staff finds that the applicant will provide perimeter and street landscaping (Exhibit 5, Sheet 7 of 7, Preliminary Landscape Plan); and individual home owners will provide additional screening such as fences and landscaping on each lot to create the desired community aesthetic ambiance. The applicant has requested that side yard setbacks between buildings for Lots 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 be reduced to 6 feet, and staff recommends approval of the request subject to any applicable International Building Code requirements or any applicable requirements that may be imposed by the Fire Marshal or a designee. Staff finds also that the proposed subdivision, except for the 10 lots that have been granted reduced side yard setbacks, can comply with the following building setbacks and development standards in the R-18 district:

Table 2: Lot Setbacks, Lot Coverage and Building Height (Table 40.220.020-3)	
Front yard setback	20 feet
Side street setback	None (see Footnote 2 Table 40.220.020-3)
Side yard (interior) setback	None (see Footnote 2 Table 40.220.020-3)
Rear yard setback	None (see Footnote 2 Table 40.220.020-3)
Setback between buildings on site	8 feet (see Footnote 2 Table 40.220.020-3) ³
Maximum Lot coverage	50 percent
Maximum building height	35 feet (see Footnote 3 Table 40.220.020-3)

(See conditions of approval A-1, C-1 and D-1)

Approval criterion 3

The proposed use is compatible with neighborhood land use.

Finding 4

Staff finds that the proposed use is compatible with existing land use in the area. The applicant has provided plans showing a building envelope on each lot and the conceptual floor plan for each proposed housing, (Exhibit 5, Sheet 6 of 7). The property to the north is Walnut Grove Elementary School; and immediately on the east and on the south, are Robins Glen Subdivision Phase II and the proposed Walnut Grove Subdivision, respectively. Walnut Grove Subdivision proposes housing development similar to those proposed for Walnut Village. To the west are acreage single-family home sites. Staff finds that standard is met; therefore, no condition of approval is necessary.

³ The applicant proposes 10 lots, Lots 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 to have reduced side yards of 6 feet.

Approval Criterion 4

The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

Finding 5

NE 58th Street runs east / west south of the site. The applicant will be required to provide additional half-width road dedication and improvement on NE 58th Street along the site's frontage on NE 58th Street. The applicant is proposing a new street, NE 75th Avenue, as a north / south street that intersects with NE 58th Street to the south terminating with a private street to serve Lots 28, 29, and 30. NE 75th Street will not extend further north from this site because the abutting property is an elementary school play ground. NE Walnut Court and NE 59th Street are proposed as east / west streets to provide additional circulation in the area. At the western terminus of NE Walnut Court and NE 59th Street, the applicant has provided a 20 foot wide easement for emergency vehicular turnaround. Staff finds that the implementation of these street improvements will provide adequate traffic circulation in the area. Staff finds that this standard has been met; therefore, no additional condition of approval is required.

Approval Criterion 5

The proposed use will have no substantial adverse effect on abutting property or the permitted use thereof.

Finding 6

The neighbors have written to raise concerns regarding stormwater and erosion control and traffic problems, including the lack of pedestrian sidewalks, in the area. The neighbors also question whether the applicant has provided adequate emergency turnaround with this development proposal.

Staff's role is to ensure that this development mitigates its potential stormwater and erosion control and transportation impacts in the area. The applicant is proposing an underground stormwater system to serve this development. In Finding 5, staff discussed the street configuration proposed by the applicant to provide circulation and emergency vehicular turnaround. The specifics and technical analysis of the feasibility of the proposed stormwater drainage system are provided by the Engineering Services Staff. The developer is not required to mitigate existing problems that are not caused by the proposed development.

Approval Criterion 6

In the case of residential uses, the housing density of the development is consistent with the existing zoning densities, or the general plan, and that all other aspects of the development are consistent with the public health, safety, and general welfare for the development and for adjacent properties.

Finding 7

Staff finds that the number of lots proposed by the applicant complies with the density that would be approved, per Table 40.220.020-2, for the net developable land in the R-18 district. The gross acreage could be divided into a maximum of 52 or a minimum of 35 single-family lots (see the applicant's narrative, Exhibit 6, pp. 4 of 55, and Exhibit 5,

Sheets 1 of 7 and 6 of 7). Table 3 show that of the 2.94 acres, approximately .88 acres are dedicated for public and private streets right-of-way and the net developable property is approximately 2.06 acres, which the applicant proposes to divide into 37 single-family lots. Staff finds that the number of lots proposed complies with the applicable density in the R-18 district.⁴

Table 3: Stormwater, ROW/Stormwater and density calculation

Zone	Gross acres	ROW/St (in acres)	Net acres	# lots / gross acres	# lots / net acres	# lots proposed
R-18	2.94	.88	2.06	52 - 35	36 - 24	37

The proposed development provides a range of lot sizes. The largest lot is approximately 3,843 square feet and the smallest lots are approximately 2,160 square feet in area. Table 4 shows the lot requirements per Table 40.220.020-2.

Table 4: Lot Requirements (40.220.020-2)	
Maximum density	18 dwelling units per acre
Minimum density	12 dwelling units per acre
Minimum lot area	1,800 square feet
Minimum lot width	25 feet
Minimum lot depth	50 feet

Staff finds that the proposed development can comply with the lot standards, and the proposed housing development will not adversely impact public health, safety, and general welfare of those residing in the area. (See condition of approval A-2)

CRITICAL AREAS:

There are known sensitive lands on this site.

TRANSPORTATION CONCURRENCY:

The applicant's traffic study has estimated the weekday AM peak hour trip generation at 27 new trips, and PM peak hour trip generation at 36 trips. The following paragraphs document two transportation issues for the proposed development.

Issue #1: Concurrency

The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020 (B) and is required to meet the standards established in CCC 41.350.020 (G) for corridors and intersections of regional significance. The County's Traffix™ model includes the intersections of regional significance in the area and the County's model was used to evaluate concurrency compliance.

⁴ The maximum and minimum densities are based on the gross acreage minus public right-of-way [per CCC40.220.020 (2) (d)].

Site Access

Finding 1

Level of service (LOS) standards is not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur at the site access to the public roadway network. The access onto NE 58th Street appears to maintain acceptable LOS.

Operating LOS on Corridors

Finding 2:

The proposed development was subject to concurrency modeling. The modeling results indicate that the operating levels comply with travel speed and delay standards. The applicant should reimburse the County for costs incurred in running the concurrency model. (See condition A-2)

Intersection Operating LOS

Finding 3:

The proposed development was subject to concurrency analysis for intersections of regional significance. Capacity analyses were also conducted for impacts to public roadway intersections adjacent to the proposed development site. The study reports acceptable operating levels for the following County intersections.

- NE 72nd Avenue/NE 63rd Street
- NE 72nd Avenue/NE 58th Street

Adjacent Jurisdictions

Finding 4:

Although the subject site is located in Clark County, the development generates traffic that would affect adjacent jurisdictions. The County has notified the City of Vancouver development and forwarded a traffic study for review and comment.

Concurrency Compliance

The proposed development complies with the Concurrency Ordinance CCC 40.350.020.

ISSUE 2: SAFETY

Where applicable, a traffic study shall address the following safety issues:

- Traffic signal warrant analysis,
- Turn lane warrant analysis,
- Accident analysis, and
- Any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030.6a. This section states as follows:

“Nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a significant traffic or safety hazard would be caused or materially aggravated by the proposed development:

provided that the developer may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Turn Lane Warrants

Finding 5:

Turn lane warrants are evaluated at un-signalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway. The applicant's traffic study analyzed the roadways in the local vicinity of the site to determine if turn lane warrants are met. Turn lane warrants were not met at any of the un-signalized County intersections analyzed in the applicant's traffic study; therefore, mitigation is not required.

Historical Accident Situation

Finding 6:

The applicant's traffic study analyzed the accident history at the regionally significant intersections; however, all of the historical accident rates at these intersections are below 1.0 accident per million entering vehicles. Therefore, mitigation by the applicant is not required.

Traffic Controls during Construction

Finding 7

During site development activities, the public transportation system (roadways, sidewalks, bicycle lanes, etc.) may be temporarily impacted. In order to minimize these impacts and coordinate work occurring in the public right-of-way, the applicant will need to prepare and have approved a Traffic Control Plan. (See condition B-1)

The applicant shall maintain all existing signs within the public right of way within the limits of the development's construction until the public roads have been accepted by the County. The developer shall install and maintain temporary signs where the development's signing and striping plan shows new or modified warning or regulatory signs. New or modified temporary signing shall be installed when any connection is made to the public road network. The developer shall remove the temporary signs immediately after the County installs the permanent signing and striping.

Other Agencies – City of Vancouver Concurrency Comments

Based upon an inter-local government agreement signed with the County on July 21, 1998, the City of Vancouver Concurrency Staff has reviewed the proposed Walnut Village Subdivision and provided the findings, conclusions and condition of approval (Exhibit 19), which staff adopts here by reference. The applicant shall reimburse the city for concurrency modeling in the amount of \$570.00 prior to final plat recording. (See condition of approval A-3)

TRANSPORTATION:

(Reserved for Engineering Services Staff Report)

STORMWATER:

(Reserved for Engineering Services Staff Report)

FIRE PROTECTION:

Fire Marshal Review

Fire Protection Finding 1

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Building Construction

Fire Protection Finding 2

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process, (see condition of approval B-2).

Fire Flow

Fire Protection Finding 3

Fire flow in the amount of 1,000 gallons per minute supplied at 20 pounds per second for 60 minutes duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval, (see condition of approval A-4).

Fire Hydrants

Fire Protection Finding 4

Fire hydrants are required for this application. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads, (see condition of approval A-5).

Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at 360-696-8166 to arrange for location approval. The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant, (see conditions of approval B-2, A-4 and A-5).

Fire Apparatus Access

Fire Protection Finding 5

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus, (see condition of approval C-2).

Fire Apparatus Turnarounds

Fire Protection Finding 6

Approved fire apparatus turnarounds are not required for this project

WATER & SEWER SERVICE:

Finding 1

The City of Vancouver provides public water and sewer services in the area. The utility reviews submitted by applicant indicate that adequate water and sewer services exist in the area to serve this development.

Finding 2

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site are connected to water and sewer systems. The Health Department Final Approval Letter will confirm that all existing wells and septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (See condition of approval E-2).

Other Health Concerns

Finding 3

The house and storage buildings will be removed. All demolition wastes must be properly disposed consistent with county demolition permit requirements. The applicant shall provide proof of appropriate waste disposal in the form of receipts to the Health Department with requests for confirmation that the conditions for final plat approval have been satisfied. (See condition of Approval A-6)

If underground storage tanks exist on the property, they must be identified and decommissioned in place consistent with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination must be reported to Washington State Department of Ecology, and proof of removal or abandonment (of the tank) must be submitted to the Health Department prior to final plat recording. (See condition of approval A-7)

IMPACT FEES:

Finding 1

The site is located in Park Impact Fee (PIF) District 7, Vancouver School District Impact Fee (SIF), and Orchards Traffic Impact Fee (TIF) district. There is one single family dwelling on the site that qualifies for impact fees credit, therefore, park, school, and traffic impact fees will be assessed on 29 of the proposed 30 new lots.

The following note shall be placed on the final plat stating that:

"In accordance with CCC 40.610, except for Lot 1 that is exempt from impact fees exaction, the park, school, and traffic impact fees for each of the 29 new single-family attached dwellings in this subdivision are:

1. \$1,885.00 PIF (made up of \$1,445.00 acquisition fee, and \$440.00 development fee) per new single-family dwelling in Park District 7;
2. \$1,725.00 SIF per new single-family dwelling in the Vancouver School District; and,
3. \$1,342.19 TIF per new single-family-attached dwelling in Orchards Traffic Impact fee district.

"The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedules." (See condition of approval B-3)

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS) ;
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval), or;
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination:

Determination of Non-Significance (DNS): Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County.

Date of Publication & Comment Period:

Publication date of this DNS is September 22, 2004, and is issued under WAC 197-11-340. The lead agency will not act on this proposal until the close of the 14-day comment period, which ends on October 6, 2004.

Public Comment Deadline:

October 6, 2004

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$186**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Michael Uduk, (360) 397-2375, ext. 4385.
Krys Ochia, (360) 397-2375, ext. 4834

Responsible Official: Michael V. Butts

Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.co.clark.wa.us>

RECOMMENDATION

Based upon the proposed plan (identified as Exhibit 18), and the findings and conclusions stated above, staff recommends the Hearings **APPROVE** the request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A. Conditions that must be met prior to Final Plat approval and recording; or if improvements are approved by the county for bonding or other secure method, such conditions shall be met prior to issuance of Building Permits per CCC, Sections 40.350.030(C)(4)(i) & (j) and 40.380.040N.

Land Use

A-1 Each lot proposed in this subdivision shall comply with the development requirements per Table 40.220.020-1 and Table 40.220.020-2 regarding minimum lot width, lot depth, lot area, lot coverage and building height standards. (See Land Use Findings 3 and 7)

Concurrency

A-2 The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,000. The reimbursement shall be made within 60 days of issuance of the Staff Report with evidence of payment presented to staff at Clark County Public Works. (See Transportation Concurrency Finding 2)

A-3 The applicant shall reimburse the City for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$570.00. The reimbursement shall be made within 60 days of issuance of the Staff Report with evidence of payment presented to staff at Clark County Public Works. (See City of Vancouver Finding 1)

Transportation

(Reserved for Engineering Services Staff Report)

Stormwater

Reserved for Engineering Services Staff Report)

Fire Protection

A-4 Fire flow in the amount of 1,000 gallons per minute supplied for 60 minutes duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is not currently available at the site. Additions to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (See Fire Protection Finding 3)

- A-5** Fire hydrants are required for this application. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. (See Fire Protection Finding 4)

Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at 360-696-8166 to arrange for location approval. The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant (see conditions of approval B-1, A-4 and A-5). (See Fire Protection Finding 4)

Health Department

- A-6** All demolition wastes must be properly disposed consistent with county demolition permit requirements. The applicant shall provide proof of appropriate waste disposal in the form of receipts to the Health Department with requests for confirmation that the conditions for final plat approval have been satisfied. (See Health Department Finding 3)
- A-7** Advisory: If underground storage tanks exist on the property, they must be identified and decommissioned in place consistent with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination must be reported to Washington State Department of Ecology, and proof of removal or abandonment (of the tank) must be submitted to the Health Department prior to final plat recording. (See Health Department Finding 3)

B. Conditions that must be met prior to issuance of Building Permits

Concurrency

- B-1** Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system. (See Transportation Concurrency Finding # 7)

Fire Protection

- B-2** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process, (see Fire Protection Finding 2).

Impact Fees

- B-3** "In accordance with CCC 40.610, except for Lot 1 that is exempt from impact fees exaction, the park, school, and traffic impact fees for each of the 29 new single-family attached dwellings in this subdivision are:

- Park Impact Fees: \$1,885.00, (made up of \$1,445.00 acquisition fee, and \$440.00 Development fees for Park District 7);
- School Impact Fees: \$1,725.00 (for Vancouver School District); and,
- Traffic Impact Fees: \$1,342.19 (for Orchards TIF district).

If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees shall be recalculated according to the then-current ordinance rate.

C. Conditions that must be met prior to issuance of Occupancy Permits

Landscaping

C-1 The applicant shall implement the landscaping plan identified as Sheet 8 of 8 on Exhibit 5, and attached to this report. (Land Use Finding 3)

Fire Protection

C-2 Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. See Fire Protection Finding 5

D. Notes Required on Final Plat

The following notes shall be placed on the final plat:

D-1 Land Use

Lots 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 are hereby granted a reduction to the side yard setback between buildings to 6 feet, except that the buildings on each of these lots shall comply with any applicable requirements consistent with the International Building Code or any applicable standards imposed by the Fire Marshal or a designee. (See Land Use Finding 3)

D-2 Archaeological:

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

D-3 Mobile Homes:

"Placement of Mobile Homes is prohibited."

D-4 Impact Fees:

"In accordance with CCC 40.610, except for Lot 1 designated on the final plat as waived, the Park, School and Traffic Impact Fees for each of the 29 new single-family dwellings in this subdivision are: \$1,885.00 (\$1,445.00 - Acquisition;

\$440.00 - Development for Park District 7), \$1,725.00 (for Vancouver School District), and \$1,342.19 (for Orchards TIF district), respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-5 Sidewalks:

"Prior to issuance of occupancy permits, sidewalks shall be constructed along all lots as noted. Sidewalks considered to be the responsibility of the developer, shall be constructed prior to final plat approval."

D-6 Utilities:

"An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

D-7 Critical Aquifer Recharge Areas:

"The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

D-8 Erosion Control:

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

D-9 Driveways:

"No direct access is allowed onto the following streets: NE 58th Street."

D-10 Driveways:

"All residential driveway approaches entering public roads are required to comply with CCC 40.350."

D-11 Private Roads:

"Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this plat. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or adjoining lot owners to include hard surface paving and is accepted by the County for public ownership and maintenance."

E. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

Land Division:

- E-1** Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

Water Wells and Septic Systems:

- E-2** Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Well/Septic Abandonment Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy).

Final Construction Plan Review:

E-3 Transportation:

Prior to construction, the applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350.

E-4 Stormwater:

Prior to construction, the applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380.

E-5 Pre-Construction Conference:

Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

E-6 Erosion Control:

Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

E-7 Erosion Control:

A copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.

E-8 Erosion Control:

Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

E-9 Erosion Control:

Erosion control facilities shall not be removed without County approval.

E-10 Excavation and Grading:

Excavation/grading shall be performed in compliance with Appendix Chapter 33 of the Uniform Building Code (UBC).

E-11 Excavation and Grading:

Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

E-12 Landscaping:

Prior to recording the final plat, the applicant shall submit a copy of the approved landscape plan(s) for any public right-of-way (if applicable) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.

**HEARING EXAMINER DECISION
AND APPEAL PROCESS**

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check in the amount of **\$279** (made payable to the Clark County Board of County Commissioners).

Attachments:

- Copy of SEPA Checklist
- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>